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**CITY OF GAITHERSBURG  
MINUTES OF THE JANUARY 2, 2007  
HISTORIC DISTRICT COMMISSION MEETING**

A meeting of the Historic District Commission was called to order at 8:44 p.m., Chair Katz presiding. Commissioners present: Alster, Edens, Marraffa, Schlichting and Sesma. Staff present: City Manager Humpton, Planner Patula, City Attorney Borten and Executive Assistant Stokes.

**APPROVAL OF MINUTES**

Motion was made by Commissioner Marraffa, seconded by Commissioner Schlichting, that the minutes of a Historic District Commission meeting held December 18, 2006, be approved.

Vote: 5-0-1 (Abstained: Edens)

**POLICY DISCUSSION**

**HAWP-37E - Applicant Stephen Orens for Hamza Halici/Halici, Inc., Request for Demolition of the Historic Talbott House (Hair Bar) at 309 North Frederick Avenue**

Planner Patula stated that on October 9, 2006, the Historic District Commission (HDC) held a public hearing on the above request and noted that the house was designated as a local historic site in 1989. Stephen Orens of Miles & Stockbridge, representing Hamza Halici/Halici, Inc., stated at the public hearing that retention of the building is causing a substantial economic hardship for Mr. Halici. On August 3, 2006, the Historic Preservation Advisory Committee (HPAC) unanimously voted recommending denial based on the finding that the applicant did not meet the burden of proof for economic hardship. Planner Patula reminded the HDC that their record closed on November 8, 2006 and asked for a motion to direct staff in preparing the necessary documents. The HDC had the option to either approve HAWP-37E, which approves the demolition or to deny the request. An approval would be followed with a Certificate of Approval that would be supported by a resolution. A denial would be followed with a resolution stating the reasons for the denial.

Commissioner Marraffa stated that the building is not the best use for the property and that the City would be better served if approval is granted. He further stated that the building currently does not stand the test of historic even though it was granted in the past.

Commissioner Schlichting stated that a tremendous amount of time has been spent reviewing the record by the HPAC who oversees all the historic properties in Gaithersburg. Following his own review of the evidence presented, he agreed and supported the HPAC's unanimous vote recommending denial because they did not find that the burden of proof for economic hardship had been met.

Commissioner Edens stated that the evidence presented is the same evidence that was presented a couple of years ago when the HDC found that there was a substantial financial hardship according to the criteria set in the standards for the applicant to make a case. She stated that from a legal standpoint, the HDC is obligated to be consistent with previous findings.

Vice Chair Alster expressed disappointment with the owner's efforts to preserve the historically designated building with tax credits that he had received in the past. He stated that it is not the responsibility of the HDC to determine how much money the owner can make on the property, but to follow the set criteria and standards to determine what constitutes economic hardship. He also stated that the evidence before the HDC had not changed over the years. He stated that the owner has taken advantage of the City and felt inclined to deny the request for demolition, but believes that the application does meet the criteria set for economic hardship. He asked that the HDC look to change the criteria and set the standards higher.

Commissioner Sesma echoed the statement made above to change the standards and set them higher. He expressed support for the HPAC's compelling case for the denial of a demolition permit. He stated that the effort has not been made to bring forth a reasonable plan for redevelopment of the property. He expressed opposition to the demolition request.

Chair Katz reiterated that the site is historic and that the owner took advantage of tax credits years ago. He stated that the tax credits are given because of the expense of maintaining an historic property. He stated that he believes a viable and reasonable plan could be developed on the site. He expressed support to protect the historic property and stated that the request to demolish the building should be denied.

Motion was made by Historic District Commissioner Marraffa, seconded by Commissioner Alster, that the HISTORIC DISTRICT COMMISSION GRANT APPROVAL OF HAWP-37E, A REQUEST TO DEMOLISH 309 NORTH FREDERICK AVENUE, AND ISSUE THE CERTIFICATE OF APPROVAL FINDING, BASED ON THE FULL RECORD BEFORE THE HDC, INCLUDING EVIDENCE SUBMITTED INTO THE RECORD BEFORE HPAC, THE PUBLIC HEARING HELD BY THE HDC, AND EVIDENCE SUBMITTED TO THE HDC, THAT THE APPLICANT HAS DEMONSTRATED SUBSTANTIAL FINANCIAL HARDSHIP, for a two-year period.

Vote: 3-3 (tied vote results in a denial for demolition)

## **ADJOURNMENT**

There being no further business to come before the Historic District Commission, the meeting was duly adjourned at 8:55 p.m.

*Respectfully submitted,*

*Doris R. Stokes*

Executive Assistant